

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION**

RightCHOICE Managed Care, Inc., *et al.*,

Plaintiffs,

v.

Hospital Partners, Inc.; Hospital Laboratory  
Partners, LLC; Empower H.I.S. LLC; RAJ  
Enterprises of Central Florida, LLC d/b/a Pinnacle  
Laboratory Services; Labmed Services, LLC;  
Serodynamics, LLC; David Byrns; Jorge Perez;  
James F. Porter, Jr.; Beau Gertz; and Mark Blake,

Defendants.

Civil Action No.  
5:18-CV-06037-DGK

**PLAINTIFFS' MOTION FOR RULE 37 SANCTIONS AGAINST EMPOWER  
H.I.S. LLC, HOSPITAL PARTNERS, INC., AND JORGE PEREZ**

Pursuant to Federal Rule of Civil Procedure 37, Plaintiffs respectfully move the Court to sanction Defendants Empower H.I.S. LLC, Hospital Partners, Inc., and Jorge Perez. This motion is based on Plaintiffs' Suggestions in Support of Motion for Rule 37 Sanctions Against Empower H.I.S. LLC, Hospital Partners, Inc., and Jorge Perez, the supporting declarations and papers filed herewith, as well as all papers, filings, and proceedings in this matter.

Plaintiffs request oral argument.

Dated: February 7, 2020

By: /s/ Michael L. Jente

**LEWIS RICE LLC**

Neal F. Perryman, MO Bar #43057  
Michael L. Jente, MO Bar #62980  
600 Washington Avenue, Suite 2500  
St. Louis, Missouri 63101  
T: (314) 444-7600  
[nperryman@lewisrice.com](mailto:nperryman@lewisrice.com)  
[mjente@lewisrice.com](mailto:mjente@lewisrice.com)

-and-

**ROBINS KAPLAN LLP**

Jeffrey S. Gleason (admitted PHV)  
Jason W. Pfeiffer, MO Bar # 50104  
Nathaniel J. Moore (admitted PHV)  
Amira A. ElShareif (admitted PHV)  
Jaime J. Wing (admitted PHV)  
800 LaSalle Avenue, Suite 2800  
Minneapolis, Minnesota 55402  
T: (612) 349-8500  
F: (612) 339-4181  
[jgleason@robinskaplan.com](mailto:jgleason@robinskaplan.com)  
[jpfeiffer@robinskaplan.com](mailto:jpfeiffer@robinskaplan.com)  
[nmoore@robinskaplan.com](mailto:nmoore@robinskaplan.com)  
[aelshareif@robinskaplan.com](mailto:aelsshareif@robinskaplan.com)  
[jwing@robinskaplan.com](mailto:jwing@robinskaplan.com)

*Attorneys for Plaintiffs*

## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed electronically with the United States District Court for the Western District of Missouri, through the Court's CM/ECF system, on the 7th day of February 2020, with notice of case activity sent to counsel of record.

/s/ Michael L. Jente